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CLERK OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

AGENDA

Regular Council Meeting of December 6, 2024
9:00 a.m.

Meeting Site: Online via Teams: <http://tinyurl.com/2p9zhjr2>

Phone testimony: 1-808-977-4067, code 234 794 559#
In-Person Testimony and Viewing: Council Chamber, Kalana O Maui Building, 8th Floor,
200 South High Street, Wailuku, Hawai'i

Courtesy Live Broadcast:
Akakū – Maui Community Media, Channel 53

COURTESY TESTIMONY SITES – COUNCIL RESIDENCY AREA OFFICES:

East Maui: Hāna Community Center, 5091 Uakea Road, Hāna, (808) 248-7513

South Maui: MEDB Building, 1305 North Holopono St., Ste. 9, Kihei, (808) 793-0012

Moloka'i: Moloka'i District Complex, 100 Ainoa Street, Kaunakakai, (808) 553-3888

Lāna'i: 814 Fraser Avenue, Lāna'i City, (808) 565-7094

Makawao-Ha'ikū-Pā'ia: Heritage Hall, 401 Baldwin Ave., Ste. 102, Pā'ia, (808) 793-0099

Subject to change and staffing availability without notice. Visit mauicounty.us for more information.

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>

e-mail: county.clerk@mauicounty.us

A. **ROLL CALL**

B. **OPENING REMARKS:**

COUNCILMEMBER YUKI LEI SUGIMURA

C. **PLEDGE OF ALLEGIANCE**

D. **TESTIMONY ON CEREMONIAL RESOLUTIONS**

E. **CEREMONIAL RESOLUTIONS:**

[Reso 24-193](#) "CONGRATULATING MAUI COUNTY PADDLERS FOR WINNING GOLD MEDALS AT THE 2024 INTERNATIONAL VA'A FEDERATION WORLD SPRINT CHAMPIONSHIPS"

F. **SET THE CONSENT CALENDAR**

G. **PRESENTATION OF WRITTEN OR ORAL TESTIMONY**

H. **MINUTES:**

NONE.

I. **ACTION ON THE CONSENT CALENDAR**

J. **COMMUNICATIONS:**

1. COUNTY COMMUNICATIONS:

NONE.

2. GENERAL COMMUNICATIONS:

NONE.

K. **COMMITTEE REPORTS:**

Agriculture, Diversification, Environment, and Public Transportation Committee

[CR 24-111](#) Recommending **ADOPTION** of Resolution 24-172, CD1, to refer to the planning commissions a proposed bill to establish agricultural tourism as an accessory use in the Agricultural District.

[CR 24-112](#) Recommending **ADOPTION** of Resolution 24-171, CD1, to refer to the planning commissions a proposed bill to allow mobile food trucks or trailers of 1,000 square feet or less as permitted accessory uses on farms in the Agricultural District.

Budget, Finance, and Economic Development Committee

[CR 24-113](#) Recommending **FIRST READING** of Bill 69, CD1 (2023), to: 1) authorize the Director of Finance to acquire real property or easements without Council approval if the conveyance is approved by the Mayor and is required by a grant agreement under Section 3.88.070, Maui County Code; and 2) require the provisions in grant agreements to land conservation organizations under Section 3.88.070, Maui County Code, to specify that Council approval be obtained by resolution.

[CR 24-114](#) Recommending the following:

1. **FIRST READING** of Bill 166, CD1 (2024), to amend the Fiscal Year 2025 Budget by: 1) amending Section 2, Estimated Revenues, by increasing Bond/Lapsed Bond by \$14,100,000; 2) amending Section 3.B.11.c., Department of Management, Office of Recovery Program, by adding conditional language to require up to \$100,000 to be used for Haleakala Waldorf School for land management and watershed restoration; 3) amending Section 4.C., Department of Management, by adding an appropriation for the Makawao-Pukalani-Kula Community Plan Area, Other Projects, Bond Fund, entitled "Von Tempsky Kula Property Acquisition" in the amount of \$14,100,000; 4) adjusting the totals accordingly; and 5) amending Appendix C - Capital Improvement Projects, Department of Management, by adding a project and project description for the Makawao-Pukalani-Kula Community Plan Area entitled "Von Tempsky Kula Property Acquisition" for approximately 273 acres, located at tax map key (2) 2-3-001:023, in the amount of \$14,100,000; and
2. **FIRST READING** of Bill 167, CD1 (2024), to amend the Fiscal Year 2025 general obligation bond authorization ordinance by adding an appropriation for the Department of Management, Makawao-Pukalani-Kula Community Plan Area, Other Projects, entitled "Von Tempsky Kula Property Acquisition," in the amount of \$14,100,000.

Efficiency Solutions and Circular Systems Committee

[CR 24-115](#) Recommending **FIRST READING** of Bill 136, CD1 (2024), to establish a Climate Action and Resiliency Plan to guide County policy and actions to mitigate and adapt to climate-change effects, transition to 100-percent renewable energy, and achieve net-negative emissions.

Government Relations, Ethics, and Transparency Committee

[CR 24-116](#) Recommending **REFERRAL** of bills and resolutions to the Council Chair for the term beginning January 2, 2025, relating to: (1) authorizing a Council committee to conduct a formal investigation of County agencies on the County's response to the August 2023 Wildfires on Maui Island; (2) amending Section 2.56.060, Maui County Code, relating to financial disclosure statements; (3) proposed Council-initiated amendments to the Revised Charter of the County of Maui (1983), as amended, relating to uses of the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund; (4) amending Section 2.44.010, Maui County Code, Salaries of Officers, in accordance with the Revised Charter of the County of Maui (1983), as amended; (5) reappointing Lance T. Taguchi as County Auditor; and (6) amending Chapter 3.36, Maui County Code, relating to the Maui County Grants Program, and Chapter 3.40, Maui County Code, relating to concession awards and rental or lease of County property.

Water and Infrastructure Committee

[CR 24-117](#) Recommending **FIRST READING** of Bill 135, CD1 (2024), to authorize the Mayor to enter into an intergovernmental agreement with the United States Army Corps of Engineers for various engineering and construction technical services provided under the Interagency and International Services Program.

[CR 24-118](#) Recommending **FIRST READING** of Bill 157, CD1 (2024), to grant the Department of Public Works the authority to prohibit activities that may pollute stormwater discharges and certain non-stormwater discharges from entering the County's storm drainage system.

Water Authority, Social Services, and Parks Committee

[CR 24-119](#) Recommending **FIRST READING** of Bill 156, CD1 (2024), to prohibit retailers from: 1) selling or marketing flavored tobacco products, including products containing menthol and products that produce cooling sensations; and 2) mislabeling products as nicotine-free.

L. RESOLUTIONS:

[Reso 24-186](#) "AUTHORIZING SETTLEMENT OF AUDRA SELLERS V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL. CIVIL 2CCV-23-000028(3)"

[Reso 24-187](#) "AUTHORIZING SETTLEMENT OF KA LAE O KA ENA BROWN V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL. CIVIL 2CCV-23-000029(4)"

[Reso 24-194](#) "APPROVING THE APPOINTMENT OF PETER A. HANANO AS LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES"

M. ORDINANCES:

- [Bill 183](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII TO MEET THE REPORTING REQUIREMENTS UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 68"
- [Bill 184](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.36, MAUI COUNTY CODE, RELATING TO GRANTS"
- [Bill 185](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE ADOPTING THE HAWAII STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO"
- [Bill 186](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM - ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND, ENVIRONMENTAL PROTECTION GRANTS, PILI KOKO"

ORDINANCES - SECOND AND FINAL READING:

- [Bill 173](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF THE PROSECUTING ATTORNEY, VICTIM/WITNESS ASSISTANCE PROGRAM"
- [Bill 174](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART II, GENERAL EXCISE TAX FUND, AND APPENDIX C, DEPARTMENT OF MANAGEMENT, COUNTYWIDE, WILDFIRE PERMANENT DISPOSAL SITE"
- [Bill 175](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, ESTIMATED REVENUES; CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SANITATION, BOND FUND; AND APPENDIX C, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA"
- [Bill 176](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5659, BILL NO. 62, CD1 (2024), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT)"
- [Bill 177](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF WATER SUPPLY, U.S. ENVIRONMENTAL PROTECTION AGENCY - WATER DIVISION, COMMUNITY GRANTS"

[Bill 178](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET FOR THE COUNTY OF MAUI, APPENDIX A, PART I, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, U.S. ENVIRONMENTAL PROTECTION AGENCY - WATER DIVISION, COMMUNITY GRANTS"

N. UNFINISHED BUSINESS:

RESOLUTIONS:

[Reso 24-188](#) "APPROVING EXCEPTIONS FROM THE CONDITIONS OF SECTION 3.35.070, MAUI COUNTY CODE, FOR THE RESIDENTIAL WORKFORCE HOUSING PROJECT OWNED BY WAIKAPU DEVELOPMENT VENTURE LLC AND LOCATED ON A PORTION OF PROPERTY IN WAILUKU, MAUI, HAWAI'I, AND FURTHER IDENTIFIED FOR REAL PROPERTY TAX PURPOSES AS TAX MAP KEY (2) 3-5-002:011"

ORDINANCES:

[Bill 179](#)
[\(2024\)](#) "A BILL FOR AN ORDINANCE ADOPTING THE HAWAI'I STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO"

BOARD PACKETS, as defined in Section 92-7.5, HRS, will be electronically posted as soon as practicable.

ORAL TESTIMONY. For more information on testifying, please visit <https://www.mauicounty.us/teams/>

Oral testimony on any agenda item will be accepted at the beginning of the meeting and prior to Council's deliberation on each section of the agenda. Testimony must pertain to items on the agenda.

In the meeting controls at the top of the Teams screen, select RAISE YOUR HAND. Staff will add your name to the testifier list and will lower your hand. You may check your place in line by accessing the Testifier Log, with the link posted in Chat. When it is your turn to testify, staff will call your name and will allow you to unmute your video and microphone. State your name, if you choose to do so, and also identify the item number(s) on which you wish to testify.

To testify via phone, please call in to the phone number and enter the meeting ID noted on the first page of this agenda. Follow the instructions provided on the call to raise your hand to be added to the testifier list. When it is your turn to testify, the Clerk will call the last four digits of the testifier's phone number. You will be able to unmute yourself when called to testify.

Each testifier will be allowed to speak for up to three minutes on each item. The time limits for testimony may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify. If the connection between any testifier and the video conference is lost, the meeting will still continue.

If a meeting participant wishes to testify anonymously, log in to the meeting with "anonymous" as your name and virtually raise your hand as described above.

DECORUM. Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of any Council meeting can, at the discretion of the presiding officer or a majority of present Council members, be ejected or banned from Council meetings. If participating remotely, participants may be muted or dropped from the meeting for breaking decorum. Examples of disruptive behavior include, but are not limited to: heckling, shouting, use of profanity, threatening or slanderous remarks made to any member of the Council, staff, or general public. Use of the chat feature is restricted to County use only. It shall be considered a breach of decorum for members of the public to use the Chat.

WRITTEN TESTIMONY may be submitted by e-mail to county.clerk@mauicounty.us, by fax to (808) 270-7171, or to the Office of the County Clerk, 200 South High Street, Ste. 708, Wailuku, Hawai'i, 96793. Written testimony should be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony should be received by noon on the business day preceding the meeting. While the Council requests that written testimony be submitted as noted, testimony submitted after that date and time will still be accepted. Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk at (808) 270-7748 prior to the meeting.

INTERRUPTION IN VIDEO/AUDIO. This meeting is being conducted in accordance with Section 92-3.7, HRS. Nothing said in the meeting or included in the agenda is intended to create obligations in excess of those required under Section 92-3.7, HRS. If Teams connectivity affecting quorum is lost, Council will be in recess. It will not be considered a loss of quorum unless connectivity cannot be restored within 30 minutes. If the Teams connection is prematurely terminated, for whatever reason, please log back into the same link. If connectivity affecting quorum cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9 a.m., using the same virtual connections, unless the Council announces a different date and time.

If any Courtesy Testimony Site loses its connection to the meeting, the meeting will continue without that location, irrespective of whether a Councilmember is participating from that site.

If Akakū prematurely ceases broadcasting the meeting, the meeting will continue via interactive conference technology and a recording will include archived meeting videos.

DISABILITY ACCESS. Anyone requesting an auxiliary aid or service or other accommodation due to a disability should contact the County Clerk as soon as possible prior to the meeting date at (808) 270-7748 or county.clerk@mauicounty.us and allow for adequate time to fulfill the request.